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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,161	11/12/2003	Gregory E. Lowe	OM5-001	8236
21567	7590	07/07/2005	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,161

Applicant(s)

LOWE, GREGORY E.

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-14 is/are allowed.
- 6) ☒ Claim(s) 1-6, 15-18 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/12/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the first office action for Application No. 10/712, 161. This application contains 25 claims numbered 1-25.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 11/12/03 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 and 22-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the adjacent portion" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites "wherein a plurality of portions" which is unclear whether "a plurality of portions" as recited is the same as "a plurality of movable portions" as indicated in claim 21 or not. If it's the same, examiner suggests changing to -- the plurality of movable portions -- to be consistent through out the claims.

Art Unit: 3632

Claim 23 recites the limitation "the third camming lobe" in line 4; and "the first, second and third camming lobes" (lines 5-6). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 15-18 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Banner.

Claim 1 broadly read on Banner as follows: Banner teaches an anchor assembly comprising: a plurality of individual article engaging portions (12), each having opposite first and second ends, and wherein the individual portions are pivotally mounted at the opposite ends thereof to the adjacent portion (through arm 36 for example), and wherein the individual portions (12) are moveable along a course of travel between a first non-deployed position where the plurality of individual portions cause the anchor assembly to have a first dimension, and a second deployed position where the individual portions cause the anchor assembly to have a second dimension which is greater than the first dimension.

As to claim 2, Banner also teaches a support member (through 18 or 26, 40, 50) having a first end which is operable to be coupled to a load which exerts force on the

support member, and an opposite second end (rod 14), and wherein at least one of the plurality of individual article engaging portions is rotatably mounted on the second end.

As to claim 3, Banner further teaches a biasing member (coil spring 30) which is borne on the second end of the support member and which forcibly acts upon the individual portions to move the individual portions from the first non-deployed position to the second, deployed position.

As to claims 15-18, claims 15-18 recited limitations similar to those recited in claims 1-3 with further including an aperture formed in a third engaging portion and wherein a linkage is affixed in the aperture which also read on Banner as evidently shown on Fig. 1.

As to claims 21-22, Banner teaches a support member as described above; a camming lobe rotatably mounted on the support member, and which has a plurality of moveable portions (12) wherein a plurality of portions include first, second and third article engaging portions such as the combination of 12, 36, 30 etc.)

Claims 1-3, 15-18 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,645,149 to Lowe.

Claim 1 broadly read on Lowe as follows: Lowe teaches an anchor assembly comprising: a plurality of individual article engaging portions (42), each having opposite first and second ends, and wherein the individual portions are pivotally mounted at the opposite ends thereof to the adjacent portion (through arm 29 for example), and wherein the individual portions are moveable along a course of travel between a first

non-deployed position where the plurality of individual portions cause the anchor assembly to have a first dimension, and a second deployed position (Fig. 2 for example) where the individual portions cause the anchor assembly to have a second dimension which is greater than the first dimension.

As to claim 2, Lowe also teaches a support member (24, 25) having a first end which is operable to be coupled to a load which exerts force on the support member, and an opposite second end (rod 29), and wherein at least one of the plurality of individual article engaging portions is rotatably mounted on the second end.

As to claim 3, Lowe further teaches a biasing member (coil spring 44) which is borne on the second end of the support member and which forcibly acts upon the individual portions to move the individual portions from the first non-deployed position to the second, deployed position.

As to claims 15-18, claims 15-18 recited limitations similar to those recited in claims 1-3 with further including an aperture formed in a third engaging portion and wherein a linkage is affixed in the aperture which also read on Lowe as evidently shown on Fig. 1.

As to claims 21-22, Lowe teaches a support member as described above which is operable to be coupled to a load; a camming lobe (35 for example) rotatably mounted on the support member, and which has a plurality of moveable portions (36, 37, 38 for example) wherein a plurality of portions include first, second and third article engaging portions (36, 37, 38).

As to claim 23, Lowe teaches a force application assembly (48) slidable born by the support member and a linkage mounted on the forced application assembly and coupled in force transmitting relative to a third camming lobe and wherein the application of force to the force application assembly causes a first, second and third camming lobes (33, 34, 35 for example) to move from a deployed position to a non-deployed position.

Allowable Subject Matter

5. Claims 4-6 and 24-25 are rejected would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 19-20 are objected but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Claims 7- 14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Although the prior art disclose a variety of climbing anchor assemblies, it fails to disclose or suggest limitations as recited in claim 7 which recites the individual portions are movable between a first position and second position wherein in the second position, the outwardly facing portions of the individual portions define a substantially continuous arcuately shaped surface, and the inwardly facing surfaces of the respective article engaging portions lie transmitting relation, one relative to another and the inwardly in juxtaposed force transmitting relation, one relative to another.

Art Unit: 3632

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,736,359 to Murray; 6,679,466 to Brown

DE 3717027 to Anmelder.

The above patents disclose a variety of climbing anchor assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.


The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le
June 23, 2005.



ANITA KING
PRIMARY EXAMINER